

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Joshua Lamont Deloach

Docket No. 5:19-CR-253-1D

Petition for Action on Supervised Release

COMES NOW Matthew A. Fmura, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joshua Lamont Deloach, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. § 922(g)(1), and 18 U.S.C. § 924(a)(2), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on June 18, 2020, to the custody of the Bureau of Prisons for a term of 36 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Joshua Lamont Deloach was released from custody on January 3, 2022, at which time the term of supervised release commenced.

On August 2, 2022, a Violation Report was submitted advising the court that the defendant tested positive for cocaine use on June 30, 2022, and tested positive for cocaine and marijuana use on July 19, 2022. Deloach acknowledged drug use on both occasions and signed an admission form. The defendant was subsequently referred to inpatient residential substance abuse treatment at Addiction Recovery Care Association (ARCA) on July 19, 2022. The court allowed Deloach to continue supervision without punitive action to participate in treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 5, 2022, the defendant was admitted to ARCA to begin 21-day inpatient substance abuse treatment. On August 6, 2022, Deloach left the program against clinical advice and returned to Rocky Mount, North Carolina. The probation officer was informed by clinical staff that the defendant did not engage in any programming, and never met his assigned counselor. On August 8, 2022, the defendant submitted a urine specimen to the U.S. Probation Office which tested positive for cocaine use. Deloach admitted using cocaine on August 5, 2022, and signed an admission form. When confronted by the probation officer, the defendant admitted to using cocaine prior to traveling to ARCA. The probation officer contacted Straight Walk Family Services in Rocky Mount, North Carolina, advising of the defendant's unwillingness to engage in inpatient treatment. Straight Walk advised a Substance Abuse Intensive Outpatient Program (SAIOP) is set to begin on September 7, 2022, and will be held three days per week from 9:00AM to 12:00PM. Deloach was recommended for the SAIOP program. Additionally, it is respectfully recommended that the conditions be modified to include the Home Detention program with GPS monitoring for 60 days. The purpose of Location Monitoring is not only punitive, but to ensure Deloach complies with recommended substance abuse treatment and is deterred from frequenting drug locations. The defendant signed a waiver agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period of 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: GPS monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dewayne L. Smith
Dewayne L. Smith
Supervising U.S. Probation Officer

/s/ Matthew A. Fmura
Matthew A. Fmura
U.S. Probation Officer
150 Reade Circle
Greenville, NC 27858-1137
Phone: 252-830-2345
Executed On: August 18, 2022

ORDER OF THE COURT

Considered and ordered this 19 day of August, 2022, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge